

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36058

STATE OF IDAHO,)	2010 Unpublished Opinion No. 345
)	
Plaintiff-Respondent,)	Filed: February 10, 2010
)	
v.)	Stephen W. Kenyon, Clerk
)	
CHRISTOPHER DELFEIDO GONZALEZ,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fifth Judicial District, State of Idaho, Jerome County. Hon. John K. Butler, District Judge.

Judgment of conviction and concurrent unified sentences of fifteen years with six years determinate for attempted strangulation, twenty years with six years determinate for aggravated battery with a deadly weapon enhancement, twenty-five years with six years determinate for second degree kidnapping, and twenty years with six years determinate for each of two counts of aggravated assault, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Jessica M. Lorello, Deputy Attorney General, Boise, for respondent.

Before LANSING, Chief Judge, GUTIERREZ, Judge
and MELANSON, Judge

PER CURIAM

Christopher Delfeido Gonzalez was convicted of attempted strangulation, Idaho Code § 18-923; aggravated battery with a deadly weapon enhancement, I.C. §§ 18-903, 18-907(b); second degree kidnapping, I.C. §§ 18-4501, 18-4503; and two counts of aggravated assault, I.C. §§ 18-901, 18-905. The district court imposed concurrent unified sentences of fifteen years with six years determinate for attempted strangulation, twenty years with six years determinate for aggravated battery with a deadly weapon enhancement, twenty-five years with six years

determinate for second degree kidnapping, and twenty years with six years determinate for each count of aggravated assault. Gonzalez appeals, contending that the district court abused its discretion in failing to retain jurisdiction, or alternatively, that his sentences are excessive.

The primary purpose of the retained jurisdiction program is to enable the trial court to obtain additional information regarding the defendant's rehabilitative potential and suitability for probation, and probation is the ultimate objective of a defendant who is on retained jurisdiction. *State v. Chapel*, 107 Idaho 193, 687 P.2d 583 (Ct. App. 1984); *State v. Toohill*, 103 Idaho 565, 567, 650 P.2d 707, 709 (Ct. App. 1982). There can be no abuse of discretion in a trial court's refusal to retain jurisdiction if the court already has sufficient information upon which to conclude that the defendant is not a suitable candidate for probation. *State v. Beebe*, 113 Idaho 977, 979, 751 P.2d 673, 675 (Ct. App. 1988); *Toohill*, 103 Idaho at 567, 650 P.2d at 709. Based upon the information that was before the district court at the time of sentencing, we hold that the district court did not abuse its discretion when it declined to retain jurisdiction in this case.

Sentencing is a matter for the trial court's discretion. Both our standard of review and the factors to be considered in evaluating the reasonableness of a sentence are well established and need not be repeated here. See *State v. Hernandez*, 121 Idaho 114, 117-18, 822 P.2d 1011, 1014-15 (Ct. App. 1991); *State v. Lopez*, 106 Idaho 447, 449-51, 680 P.2d 869, 871-73 (Ct. App. 1984); *Toohill*, 103 Idaho at 568, 650 P.2d at 710. When reviewing the length of a sentence, we consider the defendant's entire sentence. *State v. Oliver*, 144 Idaho 722, 726, 170 P.3d 387, 391 (2007). Applying these standards, and having reviewed the record in this case, we cannot say that the district court abused its discretion.

Therefore, Gonzalez's judgment of conviction and sentences are affirmed.